

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION**

**BOBBY BLAND, DANIEL RAY  
CARTER, JR., DAVID W. DIXON,  
ROBERT W. MCCOY, JOHN C.  
SANDHOFER and DEBRA H.  
WOODWARD,**

**Plaintiffs,**

**v.**

**B. J. ROBERTS, individually and  
in his official capacity as Sheriff  
of the City of Hampton, Virginia,**

**Defendant.**

**CASE NO: 4:11cv45**

**AFFIDAVIT OF SHERIFF B. J. ROBERTS**

**COMMONWEALTH OF VIRGINIA  
CITY OF HAMPTON, to-wit:**

1. At all times relevant to plaintiffs' Complaint, I was the elected Sheriff of the City of Hampton, Virginia.
2. I base this Affidavit on personal knowledge and on records maintained in the ordinary and regular course of business.
3. I was first elected Sheriff of the City of Hampton in 1992, and was reelected in November 2009, for a term commencing on January 1, 2010.
4. All of my appointees knew James Adams because of his long tenure with the Sheriff's Office and his high administrative rank. Many of my appointees had worked along side of Adams for years and I knew that many maintained personal friendships with Adams. During the 2009 campaign, I had no knowledge of whether plaintiffs or any other appointee supported Adams in his election bid.

5. No member of my senior administrative staff, Colonel Bowden, Major Wells-Major, Major Richardson, or Capt. McGee, provided any information to me about whom plaintiffs or any other appointee supported in the 2009 election. Nor did they provide me with any information regarding which appointees volunteered for my campaign or bought or sold tickets to the golf tournament.

6. Following my reelection, and pursuant to Va. Code § 15.2-1603, I personally reviewed all of my appointees for reappointment. In making reappointment decisions, I did not consider, or discuss with my administrative staff, whether any appointee had supported Adams or me.

7. I met with and solicited input from members of my administrative staff, who, in my chain of command, supervised my appointees and were in charge of operations. I asked for their thoughts regarding the overall operation of the office, staffing levels, the expected reduction in the number of sworn deputies, and personnel issues related to office harmony and efficiency.

8. I made all final reappointment decisions.

9. In December 2009, I had 190 appointees, including 128 full-time sworn deputies and 31 full-time civilians, for a total of 159 full-time appointees, plus 3 unassigned active duty military, and 28 part-time appointees.

10. I did not reappoint 12 out of 159 full-time employees, three civilians and nine deputies: the six plaintiffs, Bobby Bland, Daniel Carter, Jr, David Dixon, Robert McCoy, John Sandhofer, and Debra Woodward; and six other employees, Kenneth Darling, Curtis Davis, Sammy Mitchell, James Sutherland, Desiree Weekes, and Tameka Wiggins.

11. I did not reappoint three civilian employees, Bobby Bland, Debra Woodward, and Kenneth Darling based on the expected reduction in the number of sworn deputies allocated by the Compensation Board, based on the declining population of the Hampton City Jail.

12. In September 2009, I received from state officials, the "FY10 Budget Reduction Amounts for Sheriffs and Regional Jails pursuant to FY10 Governor's Budget Reduction Plan dated September 8, 2009 and Compensation Board Action on September 16, 2009." The planned FY10 budget reduction for Hampton was set at \$405,756.00.

13. I did not reappoint nine deputies, including four of the plaintiffs, Daniel Carter, Jr., David Dixon, Robert McCoy, and John Sandhofer, after reviewing personnel files, soliciting input from their supervisors, and considering the need for harmony and efficiency in the office. I considered each of the nine deputies whom I did not reappoint disruptive, to have performed in an unsatisfactory manner, or believed that their presence hindered the harmony and efficiency of the Office.

14. In his position as Finance Officer/Procurement and Accounts Payable, Bobby Bland was privy to confidential financial information, including inmate canteen funds, departmental budgets, bank accounts, and audits. Also responsible for accounts payable and receivables, Bland represented me to outside vendors.

15. I depended on Bland to demonstrate fiscal responsibility and to provide me with accurate financial information to further my goals and policies for the Sheriff's Office.

16. In her position as Training Coordinator, Debra Woodward was privy to confidential personnel information, including employment applications, criminal

background checks, and all internal and DCJS training records. Woodward represented me in interactions with the public, including applicants, new hires, DCJS, and outside trainers brought into the jail.

17. I depended on Woodward to ensure that all appointees' training obligations were satisfied and that the application and hiring processes ran smoothly in order to promote my goals and policies including maintaining the integrity and efficiency of the Sheriff's Office.

18. I reappointed plaintiff Daniel Carter Jr.'s wife, also a sworn deputy.

19. All deputies I appoint are sworn and receive training at the Dept. of Criminal Justice Services ("DCJS"). Pursuant to Virginia law and Hampton Sheriff's Office Policy, they have arrest powers.

20. McCoy and Dixon moved between jail and court/civil process assignments. During Sandhofer's short tenure, he worked in civil process. All four of the former deputies sought and received approval for "Extra Duty Employment," comprising security work outside of the Sheriff's Office during which they were in uniform and armed.

  
SHERIFF B. J. ROBERTS

This day personally appeared before me, the undersigned Notary Public in and for the county/city and state aforesaid, Sheriff B. J. Roberts, who after first being duly sworn, deposed and said that the facts contained in the foregoing instrument are true and correct.

Sworn and subscribed to before me this 8 day of December, 2011.

  
Notary Public

My Commission Expires: 11/31/14  
Registration No.: 7371879